

117TH CONGRESS
2D SESSION

S. 5332

To protect elections for public office by providing enhanced security for the infrastructure used to carry out such elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 21, 2022

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To protect elections for public office by providing enhanced security for the infrastructure used to carry out such elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Election Security Act
5 of 2022”.

1 **TITLE I—PROMOTING ACCU-**
 2 **RACY, INTEGRITY, AND SECU-**
 3 **RITY THROUGH VOTER-**
 4 **VERIFIABLE PERMANENT**
 5 **PAPER BALLOT**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Voter Confidence and
 8 Increased Accessibility Act of 2022”.

9 **SEC. 102. PAPER BALLOT AND MANUAL COUNTING RE-**
 10 **QUIREMENTS.**

11 (a) IN GENERAL.—Section 301(a)(2) of the Help
 12 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
 13 amended to read as follows:

14 “(2) PAPER BALLOT REQUIREMENT.—

15 “(A) VOTER-VERIFIABLE PAPER BAL-
 16 LOTS.—

17 “(i) The voting system shall require
 18 the use of an individual, durable, voter-
 19 verifiable paper ballot of the voter’s vote
 20 selections that shall be marked by the
 21 voter and presented to the voter for
 22 verification before the voter’s ballot is pre-
 23 served in accordance with subparagraph
 24 (B), and which shall be counted by hand or
 25 other counting device or read by a ballot

1 tabulation device. For purposes of this sub-
2 clause, the term ‘individual, durable, voter-
3 verifiable paper ballot’ means a paper bal-
4 lot marked by the voter by hand or a paper
5 ballot marked through the use of a nontab-
6 ulating ballot marking device or system, so
7 long as the voter shall have the option at
8 every in-person voting location to mark by
9 hand a printed ballot that includes all rel-
10 evant contests and candidates.

11 “(ii) The voting system shall provide
12 the voter with an opportunity to correct
13 any error on the paper ballot before the
14 permanent voter-verifiable paper ballot is
15 preserved in accordance with subparagraph
16 (B).

17 “(iii) The voting system shall not pre-
18 serve the voter-verifiable paper ballots in
19 any manner that makes it possible, at any
20 time after the ballot has been cast, to asso-
21 ciate a voter with the record of the voter’s
22 vote selections.

23 “(iv) The voting system shall prevent,
24 through mechanical means or through
25 independently verified protections, the

1 modification or addition of vote selections
2 on a printed or marked ballot at any time
3 after the voter has been provided an oppor-
4 tunity to correct errors on the ballot pur-
5 suant to clause (ii).

6 “(B) PRESERVATION AS OFFICIAL
7 RECORD.—The individual, durable, voter-
8 verifiable paper ballot used in accordance with
9 subparagraph (A) shall constitute the official
10 ballot and shall be preserved and used as the
11 official ballot for purposes of any recount or
12 audit conducted with respect to any election for
13 Federal office in which the voting system is
14 used.

15 “(C) MANUAL COUNTING REQUIREMENTS
16 FOR RECOUNTS AND AUDITS.—

17 “(i) Each paper ballot used pursuant
18 to subparagraph (A) shall be suitable for a
19 manual audit, and such ballots, or at least
20 those ballots the machine could not count,
21 shall be counted by hand in any recount or
22 audit conducted with respect to any elec-
23 tion for Federal office.

24 “(ii) In the event of any inconsist-
25 encies or irregularities between any elec-

1 tronic vote tallies and the vote tallies de-
2 termined by counting by hand the indi-
3 vidual, durable, voter-verifiable paper bal-
4 lots used pursuant to subparagraph (A),
5 the individual, durable, voter-verifiable
6 paper ballots shall be the true and correct
7 record of the votes cast.

8 “(D) SENSE OF CONGRESS.—It is the
9 sense of Congress that as innovation occurs in
10 the election infrastructure sector, Congress
11 should ensure that this Act and other Federal
12 requirements for voting systems are updated to
13 keep pace with best practices and recommenda-
14 tions for security and accessibility.”.

15 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
16 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
17 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
18 is amended by inserting “(including the paper ballots re-
19 quired to be used under paragraph (2))” after “voting sys-
20 tem”.

21 (c) OTHER CONFORMING AMENDMENTS.—Section
22 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
23 ed—

1 (1) in subparagraph (A)(i), by striking “count-
 2 ed” and inserting “counted, in accordance with
 3 paragraphs (2) and (3)”;

4 (2) in subparagraph (A)(ii), by striking “count-
 5 ed” and inserting “counted, in accordance with
 6 paragraphs (2) and (3)”;

7 (3) in subparagraph (A)(iii), by striking “count-
 8 ed” each place it appears and inserting “counted, in
 9 accordance with paragraphs (2) and (3)”;

10 (4) in subparagraph (B)(ii), by striking “count-
 11 ed” and inserting “counted, in accordance with
 12 paragraphs (2) and (3)”.

13 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
 14 **INDIVIDUALS WITH DISABILITIES.**

15 (a) IN GENERAL.—Paragraph (3) of section 301(a)
 16 of the Help America Vote Act of 2002 (52 U.S.C.
 17 21081(a)(3)) is amended to read as follows:

18 “(3) ACCESSIBILITY FOR INDIVIDUALS WITH
 19 DISABILITIES.—

20 “(A) IN GENERAL.—The voting system
 21 shall—

22 “(i) be accessible for individuals with
 23 disabilities, including nonvisual accessi-
 24 bility for the blind and visually impaired,
 25 in a manner that provides the same oppor-

1 tunity for access and participation (includ-
2 ing privacy and independence) as for other
3 voters;

4 “(ii)(I) ensure that individuals with
5 disabilities and others are given an equiva-
6 lent opportunity to vote, including with pri-
7 vacy and independence, in a manner that
8 produces a voter-verifiable paper ballot;
9 and

10 “(II) satisfy the requirement of clause
11 (i) through the use at in-person polling lo-
12 cations of a sufficient number (not less
13 than one) of voting systems equipped to
14 serve individuals with and without disabil-
15 ities, including nonvisual and enhanced vis-
16 ual accessibility for the blind and visually
17 impaired, and nonmanual and enhanced
18 manual accessibility for the mobility and
19 dexterity impaired; and

20 “(iii) if purchased with funds made
21 available under title II on or after January
22 1, 2007, meet the voting system standards
23 for disability access (as outlined in this
24 paragraph).

1 “(B) MEANS OF MEETING REQUIRE-
2 MENTS.—A voting system may meet the re-
3 quirements of subparagraph (A)(i) and para-
4 graph (2) by—

5 “(i) allowing the voter to privately
6 and independently verify the permanent
7 paper ballot through the presentation, in
8 accessible form, of the printed or marked
9 vote selections from the same printed or
10 marked information that would be used for
11 any vote tabulation or auditing;

12 “(ii) allowing the voter to privately
13 and independently verify and cast the per-
14 manent paper ballot without requiring the
15 voter to manually handle the paper ballot;

16 “(iii) marking ballots that are iden-
17 tical in size, ink, and paper stock to those
18 ballots that would either be marked by
19 hand or be marked by a ballot marking de-
20 vice made generally available to voters; or

21 “(iv) combining ballots produced by
22 any ballot marking devices reserved for in-
23 dividuals with disabilities with ballots that
24 have either been marked by voters by hand
25 or marked by ballot marking devices made

generally available to voters, in a way that prevents identification of the ballots that were cast using any ballot marking device that was reserved for individuals with disabilities.

“(C) SUFFICIENT NUMBER.—For purposes of subparagraph (A)(ii)(II), the sufficient number of voting systems for any in-person polling location shall be determined based on guidance from the Attorney General, in consultation with the Architectural and Transportation Barriers Compliance Board established under section 502(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 792(a)(1)) (commonly referred to as the United States Access Board) and the Commission.”.

(b) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

(1) STUDY AND REPORTING.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended—

(A) by redesignating section 247 as section 248; and

(B) by inserting after section 246 the following new section:

1 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTING**
2 **OPTIONS.**

3 “(a) GRANTS TO STUDY AND REPORT.—The Com-
4 mission, in coordination with the Access Board and the
5 Cybersecurity and Infrastructure Security Agency, shall
6 make grants to not fewer than 2 eligible entities to study,
7 test, and develop—

8 “(1) accessible and secure remote voting sys-
9 tems;

10 “(2) voting, verification, and casting devices to
11 enhance the accessibility of voting and verification
12 for individuals with disabilities; or

13 “(3) both of the matters described in para-
14 graphs (1) and (2).

15 “(b) ELIGIBILITY.—An entity is eligible to receive a
16 grant under this part if it submits to the Commission (at
17 such time and in such form as the Commission may re-
18 quire) an application containing—

19 “(1) a certification that the entity shall com-
20 plete the activities carried out with the grant not
21 later than January 1, 2024; and

22 “(2) such other information and certifications
23 as the Commission may require.

24 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
25 nology developed with the grants made under this section
26 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-
 2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-
 4 NOLOGY IMPROVEMENTS.—The Commission shall carry
 5 out this section so that the activities carried out with the
 6 grants made under subsection (a) are coordinated with the
 7 research conducted under the grant program carried out
 8 by the Commission under section 271, to the extent that
 9 the Commission determine necessary to provide for the ad-
 10 vancement of accessible voting technology.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 12 is authorized to be appropriated to carry out subsection
 13 (a) \$10,000,000, to remain available until expended.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
 15 tents of such Act is amended—

16 (A) by redesignating the item relating to
 17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to
 19 section 246 the following new item:

“Sec. 247. Study and report on accessible voting options.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 22 adopting any voluntary guidance under subtitle B of title
 23 III of the Help America Vote Act (52 U.S.C. 21101 et
 24 seq.) with respect to the accessibility of the paper ballot
 25 verification requirements for individuals with disabilities,

1 the Election Assistance Commission shall include and
 2 apply the same accessibility standards applicable under
 3 the voluntary guidance adopted for accessible voting sys-
 4 tems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION
 6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
 7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
 8 tion 292(a) of the Help America Vote Act of 2002 (52
 9 U.S.C. 21062(a)) is amended by striking “; except that”
 10 and all that follows and inserting a period.

11 **SEC. 104. DURABILITY AND READABILITY REQUIREMENTS**
 12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002
 14 (52 U.S.C. 21081(a)) is amended by adding at the end
 15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-
 17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR
 19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verifiable
 21 paper ballots required to be used under
 22 this Act shall be marked or printed on du-
 23 rable paper.

24 “(ii) DEFINITION.—For purposes of
 25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-
2 counts by hand without compromising the
3 fundamental integrity of the ballots, and
4 capable of retaining the information
5 marked or printed on them for the full du-
6 ration of a retention and preservation pe-
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR
9 PAPER BALLOTS MARKED BY BALLOT MARKING
10 DEVICE.—All voter-verifiable paper ballots com-
11 pleted by the voter through the use of a ballot
12 marking device shall be clearly readable by the
13 voter without assistance (other than eyeglasses
14 or other personal vision enhancing devices) and
15 by a ballot tabulation device or other device
16 equipped for individuals with disabilities.”.

17 **SEC. 105. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
18 **SIGN.**

19 (a) STUDY.—The Election Assistance Commission
20 shall conduct a study of the best ways to design ballots
21 used in elections for public office, including paper ballots
22 and electronic or digital ballots, to minimize confusion and
23 user errors.

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, the Election Assistance Com-

1 mission shall submit to Congress a report on the study
 2 conducted under subsection (a).

3 **SEC. 106. BALLOT MARKING DEVICE CYBERSECURITY RE-**
 4 **QUIREMENTS.**

5 Section 301(a) of the Help America Vote Act of 2002
 6 (52 U.S.C. 21081(a)), as amended by section 104, is fur-
 7 ther amended by adding at the end the following new para-
 8 graphs:

9 “(8) PROHIBITION OF USE OF WIRELESS COM-
 10 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
 11 No system or device upon which ballot marking de-
 12 vices or ballot tabulation devices are configured,
 13 upon which ballots are marked by voters at a polling
 14 place (except as necessary for individuals with dis-
 15 abilities to use ballot marking devices that meet the
 16 accessibility requirements of paragraph (3)), or upon
 17 which votes are cast, tabulated, or aggregated shall
 18 contain, use, or be accessible by any wireless, power-
 19 line, or concealed communication device.

20 “(9) PROHIBITING CONNECTION OF SYSTEM TO
 21 THE INTERNET.—No system or device upon which
 22 ballot marking devices or ballot tabulation devices
 23 are configured, upon which ballots are marked by
 24 voters at a voting place, or upon which votes are
 25 cast, tabulated, or aggregated shall be connected to

1 the internet or any non-local computer system via
 2 telephone or other communication network at any
 3 time.”.

4 **SEC. 107. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

5 Section 301(d) of the Help America Vote Act of 2002
 6 (52 U.S.C. 21081(d)) is amended to read as follows:

7 “(d) EFFECTIVE DATE.—

8 “(1) IN GENERAL.—Except as provided in para-
 9 graph (2), each State and jurisdiction shall be re-
 10 quired to comply with the requirements of this sec-
 11 tion on and after January 1, 2006.

12 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
 13 MENTS.—

14 “(A) IN GENERAL.—Except as provided in
 15 subparagraphs (B) and (C), the requirements of
 16 this section which are first imposed on a State
 17 or jurisdiction pursuant to the amendments
 18 made by the Voter Confidence and Increased
 19 Accessibility Act of 2022 shall apply with re-
 20 spect to voting systems used for any election for
 21 Federal office held in 2024 or any succeeding
 22 year.

23 “(B) SPECIAL RULE FOR JURISDICTIONS
 24 USING CERTAIN PAPER RECORD PRINTERS OR

CERTAIN SYSTEMS USING OR PRODUCING
VOTER-VERIFIABLE PAPER RECORDS IN 2020.—

“(i) IN GENERAL.—In the case of a jurisdiction described in clause (ii), the requirements of paragraphs (2)(A)(i) and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2022) shall not apply before the date on which the jurisdiction replaces the printers or systems described in clause (ii)(I) for use in the administration of elections for Federal office.

“(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—

“(I) which used voter-verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i) and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased

1 Accessibility Act of 2022), for the ad-
 2 ministration of the regularly sched-
 3 uled general election for Federal office
 4 held in November 2020; and

5 “(II) which will continue to use
 6 such printers or systems for the ad-
 7 ministration of elections for Federal
 8 office held in years before the applica-
 9 ble year.

10 “(iii) MANDATORY AVAILABILITY OF
 11 PAPER BALLOTS AT POLLING PLACES
 12 USING GRANDFATHERED PRINTERS AND
 13 SYSTEMS.—

14 “(I) REQUIRING BALLOTS TO BE
 15 OFFERED AND PROVIDED.—The ap-
 16 propriate election official at each poll-
 17 ing place that uses a printer or sys-
 18 tem described in clause (ii)(I) for the
 19 administration of elections for Federal
 20 office shall offer each individual who
 21 is eligible to cast a vote in the election
 22 at the polling place the opportunity to
 23 cast the vote using a blank printed
 24 paper ballot which the individual may
 25 mark by hand and which is not pro-

1 duced by the direct recording elec-
2 tronic voting machine or other such
3 system. The official shall provide the
4 individual with the ballot and the sup-
5 plies necessary to mark the ballot, and
6 shall ensure (to the greatest extent
7 practicable) that the waiting period
8 for the individual to cast a vote is the
9 lesser of 30 minutes or the average
10 waiting period for an individual who
11 does not agree to cast the vote using
12 such a paper ballot under this clause.

13 “(II) TREATMENT OF BALLOT.—

14 Any paper ballot which is cast by an
15 individual under this clause shall be
16 counted and otherwise treated as a
17 regular ballot for all purposes (includ-
18 ing by incorporating it into the final
19 unofficial vote count (as defined by
20 the State) for the precinct) and not as
21 a provisional ballot, unless the indi-
22 vidual casting the ballot would have
23 otherwise been required to cast a pro-
24 visional ballot.

1 “(III) POSTING OF NOTICE.—

2 The appropriate election official shall
3 ensure there is prominently displayed
4 at each polling place a notice that de-
5 scribes the obligation of the official to
6 offer individuals the opportunity to
7 cast votes using a printed blank paper
8 ballot. The notice shall comply with
9 the requirements of section 203 of the
10 Voting Rights Act of 1965 (52 U.S.C.
11 10503).

12 “(IV) TRAINING OF ELECTION
13 OFFICIALS.—The chief State election
14 official shall ensure that election offi-
15 cials at polling places in the State are
16 aware of the requirements of this
17 clause, including the requirement to
18 display a notice under subclause (III),
19 and are aware that it is a violation of
20 the requirements of this title for an
21 election official to fail to offer an indi-
22 vidual the opportunity to cast a vote
23 using a blank printed paper ballot.

24 “(V) PERIOD OF APPLICA-
25 BILITY.—The requirements of this

1 clause apply only during the period
2 beginning on January 1, 2023, and
3 ending on the date on which the which
4 the jurisdiction replaces the printers
5 or systems described in clause (ii)(I)
6 for use in the administration of elec-
7 tions for Federal office.

8 “(C) DELAY FOR CERTAIN JURISDICTIONS
9 USING VOTING SYSTEMS WITH WIRELESS COM-
10 MUNICATION DEVICES OR INTERNET CONNEC-
11 TIONS.—

12 “(i) DELAY.—In the case of a juris-
13 diction described in clause (ii), subpara-
14 graph (A) shall apply to a voting system in
15 the jurisdiction as if the reference in such
16 subparagraph to ‘2024’ were a reference to
17 ‘the applicable year’, but only with respect
18 to the following requirements of this sec-
19 tion.

20 “(I) Paragraph (8) of subsection
21 (a) (relating to prohibition of wireless
22 communication devices).

23 “(II) Paragraph (9) of subsection
24 (a) (relating to prohibition of con-
25 necting systems to the internet).

1 “(ii) JURISDICTIONS DESCRIBED.—A
2 jurisdiction described in this clause is a ju-
3 risdiction—

4 “(I) which used a voting system
5 which is not in compliance with para-
6 graph (8) or (9) of subsection (a) (as
7 amended or added by the Voter Con-
8 fidence and Increased Accessibility
9 Act of 2022) for the administration of
10 the regularly scheduled general elec-
11 tion for Federal office held in Novem-
12 ber 2020;

13 “(II) which was not able, to all
14 extent practicable, to comply with
15 paragraphs (8) and (9) of subsection
16 (a) before January 1, 2023; and

17 “(III) which will continue to use
18 such printers or systems for the ad-
19 ministration of elections for Federal
20 office held in years before the applica-
21 ble year.

22 “(iii) APPLICABLE YEAR.—

23 “(I) IN GENERAL.—Except as
24 provided in subclause (II), the term
25 ‘applicable year’ means 2026.

1 “(II) EXTENSION.—If a State or
 2 jurisdiction certifies to the Commis-
 3 sion not later than January 1, 2026,
 4 that the State or jurisdiction will not
 5 meet the requirements described in
 6 subclauses (I) and (II) of clause (i) by
 7 such date because it would be imprac-
 8 tical to do so and includes in the cer-
 9 tification the reasons for the failure to
 10 meet the deadline, the term ‘applica-
 11 ble year’ means 2030.”.

12 **SEC. 108. GRANTS FOR OBTAINING COMPLIANT PAPER BAL-**
 13 **LOT VOTING SYSTEMS AND CARRYING OUT**
 14 **VOTING SYSTEM SECURITY IMPROVEMENTS.**

15 (a) AVAILABILITY OF GRANTS.—

16 (1) IN GENERAL.—Subtitle D of title II of the
 17 Help America Vote Act of 2002 (52 U.S.C. 21001
 18 et seq.) is amended by adding at the end the fol-
 19 lowing new part:

1 **“PART 7—GRANTS FOR OBTAINING COMPLIANT**
 2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
 3 **RYING OUT VOTING SYSTEM SECURITY IM-**
 4 **PROVEMENTS**

5 **“SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER**
 6 **BALLOT VOTING SYSTEMS AND CARRYING**
 7 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 8 **MENTS.**

9 “(a) AVAILABILITY AND USE OF GRANT.—

10 “(1) IN GENERAL.—The Commission shall
 11 make a grant to each eligible State—

12 “(A) to replace a voting system—

13 “(i) which does not meet the require-
 14 ments which are first imposed on the State
 15 pursuant to the amendments made by the
 16 Voter Confidence and Increased Accessi-
 17 bility Act of 2022 with a voting system
 18 which—

19 “(I) does meet such require-
 20 ments; and

21 “(II) in the case of a grand-
 22 fathered voting system (as defined in
 23 paragraph (2)), is in compliance with
 24 the most recent voluntary voting sys-
 25 tem guidelines; or

1 “(ii) which does meet such require-
 2 ments but which is not in compliance with
 3 the most recent voluntary voting system
 4 guidelines with another system which does
 5 meet such requirements and is in compli-
 6 ance with such guidelines;

7 “(B) to carry out voting system security
 8 improvements described in section 297A with
 9 respect to the regularly scheduled general elec-
 10 tion for Federal office held in November 2024
 11 and each succeeding election for Federal office;

12 “(C) to implement and model best prac-
 13 tices for ballot design, ballot instructions, and
 14 the testing of ballots; and

15 “(D) to purchase or acquire accessible vot-
 16 ing systems that meet the requirements of
 17 paragraph (2) and paragraph (3)(A)(i) of sec-
 18 tion 301(a) by the means described in para-
 19 graph (3)(B) of such section.

20 “(2) DEFINITION OF GRANDFATHERED VOTING
 21 SYSTEM.—In this subsection, the term ‘grand-
 22 fathered voting system’ means a voting system that
 23 is used by a jurisdiction described in subparagraph
 24 (B)(ii) or (C)(ii) of section 301(d)(2).

25 “(b) AMOUNT OF PAYMENT.—

1 “(1) IN GENERAL.—The amount of payment
2 made to an eligible State under this section shall be
3 the minimum payment amount described in para-
4 graph (2) plus the voting age population proportion
5 amount described in paragraph (3).

6 “(2) MINIMUM PAYMENT AMOUNT.—The min-
7 imum payment amount described in this paragraph
8 is—

9 “(A) in the case of any of the several
10 States or the District of Columbia, one-half of
11 1 percent of the aggregate amount made avail-
12 able for payments under this section; and

13 “(B) in the case of the Commonwealth of
14 Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, or the Common-
16 wealth of the Northern Mariana Islands, one-
17 tenth of 1 percent of such aggregate amount.

18 “(3) VOTING AGE POPULATION PROPORTION
19 AMOUNT.—The voting age population proportion
20 amount described in this paragraph is the product
21 of—

22 “(A) the aggregate amount made available
23 for payments under this section minus the total
24 of all of the minimum payment amounts deter-
25 mined under paragraph (2); and

1 “(B) the voting age population proportion
2 for the State (as defined in paragraph (4)).

3 “(4) VOTING AGE POPULATION PROPORTION
4 DEFINED.—The term ‘voting age population propor-
5 tion’ means, with respect to a State, the amount
6 equal to the quotient of—

7 “(A) the voting age population of the State
8 (as reported in the most recent decennial cen-
9 sus); and

10 “(B) the total voting age population of all
11 States (as reported in the most recent decennial
12 census).

13 “(5) REQUIREMENT RELATING TO PURCHASE
14 OF ACCESSIBLE VOTING SYSTEMS.—An eligible State
15 shall use not less than 10 percent of funds received
16 by the State under this section to purchase acces-
17 sible voting systems described in subsection
18 (a)(1)(D).

19 **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**
20 **DESCRIBED.**

21 “(a) PERMITTED USES.—A voting system security
22 improvement described in this section is any of the fol-
23 lowing:

24 “(1) The acquisition of goods and services from
25 qualified election infrastructure vendors by purchase,

1 lease, or such other arrangements as may be appro-
2 priate.

3 “(2) Cyber and risk mitigation training.

4 “(3) A security risk and vulnerability assess-
5 ment of the State’s election infrastructure (as de-
6 fined in section 108(b) of the Voter Confidence and
7 Increased Accessibility Act of 2022) which is carried
8 out by a provider of cybersecurity services under a
9 contract entered into between the chief State elec-
10 tion official and the provider.

11 “(4) The maintenance of infrastructure used
12 for elections, including addressing risks and
13 vulnerabilities which are identified under either of
14 the security risk and vulnerability assessments de-
15 scribed in paragraph (3), except that none of the
16 funds provided under this part may be used to ren-
17 ovate or replace a building or facility which is not
18 a primary provider of information technology serv-
19 ices for the administration of elections, and which is
20 used primarily for purposes other than the adminis-
21 tration of elections for public office.

22 “(5) Providing increased technical support for
23 any information technology infrastructure that the
24 chief State election official deems to be part of the
25 State’s election infrastructure (as so defined) or des-

1 ignates as critical to the operation of the State’s
2 election infrastructure (as so defined).

3 “(6) Enhancing the cybersecurity and oper-
4 ations of the information technology infrastructure
5 described in paragraph (4).

6 “(7) Enhancing the cybersecurity of voter reg-
7 istration systems.

8 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
9 DORS DESCRIBED.—For purposes of this part, a ‘qualified
10 election infrastructure vendor’ is any person who provides,
11 supports, or maintains, or who seeks to provide, support,
12 or maintain, election infrastructure (as defined in section
13 108(b) of the Voter Confidence and Increased Accessibility
14 Act of 2022) on behalf of a State, unit of local govern-
15 ment, or election agency (as defined in section 108(b) of
16 such Act) who meets the criteria described in section
17 108(b) of such Act.

18 **“SEC. 297B. ELIGIBILITY OF STATES.**

19 “A State is eligible to receive a grant under this part
20 if the State submits to the Commission, at such time and
21 in such form as the Commission may require, an applica-
22 tion containing—

23 “(1) a description of how the State will use the
24 grant to carry out the activities authorized under
25 this part;

1 “(2) a certification and assurance that, not
 2 later than 5 years after receiving the grant, the
 3 State will carry out voting system security improve-
 4 ments, as described in section 297A; and

5 “(3) such other information and assurances as
 6 the Commission may require.

7 **“SEC. 297C. REPORTS TO CONGRESS.**

8 “Not later than 90 days after the end of each fiscal
 9 year, the Commission shall submit a report to the Com-
 10 mittees on Homeland Security, House Administration, and
 11 the Judiciary of the House of Representatives and the
 12 Committees on Homeland Security and Governmental Af-
 13 fairs, the Judiciary, and Rules and Administration of the
 14 Senate, on the activities carried out with the funds pro-
 15 vided under this part.

16 **“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) AUTHORIZATION.—There are authorized to be
 18 appropriated for grants under this part—

19 “(1) \$2,400,000,000 for fiscal year 2024; and

20 “(2) \$175,000,000 for each of the fiscal years
 21 2026, 2028, and 2030.

22 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
 23 amounts appropriated pursuant to the authorization of
 24 this section shall remain available until expended.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
 2 tents of such Act is amended by adding at the end
 3 of the items relating to subtitle D of title II the fol-
 4 lowing:

“PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
 SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 297. Grants for obtaining compliant paper ballot voting systems and
 carrying out voting system security improvements.

“Sec. 297A. Voting system security improvements described.

“Sec. 297B. Eligibility of States.

“Sec. 297C. Reports to Congress.

“Sec. 297D. Authorization of appropriations.

5 (b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
 6 DORS.—

7 (1) IN GENERAL.—The Secretary, in consulta-
 8 tion with the Chair, shall establish and publish cri-
 9 teria for qualified election infrastructure vendors for
 10 purposes of section 297A of the Help America Vote
 11 Act of 2002 (as added by this Act).

12 (2) CRITERIA.—The criteria established under
 13 paragraph (1) shall include each of the following re-
 14 quirements:

15 (A) The vendor shall—

16 (i) be owned and controlled by a cit-
 17 izen or permanent resident of the United
 18 States or a member of the Five Eyes intel-
 19 ligence-sharing alliance; and

20 (ii) in the case of any election infra-
 21 structure which is a voting machine, en-

1 sure that such voting machine is assembled
2 in the United States.

3 (B) The vendor shall disclose to the Sec-
4 retary and the Chair, and to the chief State
5 election official of any State to which the ven-
6 dor provides any goods and services with funds
7 provided under part 7 of subtitle D of title II
8 of the Help America Vote Act of 2002 (as
9 added by this Act), of any sourcing outside the
10 United States for parts of the election infra-
11 structure.

12 (C) The vendor shall disclose to the Sec-
13 retary and the Chair, and to the chief State
14 election official of any State to which the ven-
15 dor provides any goods and services with funds
16 provided under such part 7, the identification of
17 any entity or individual with a more than 5 per-
18 cent ownership interest in the vendor.

19 (D) The vendor agrees to ensure that the
20 election infrastructure will be developed and
21 maintained in a manner that is consistent with
22 the cybersecurity best practices issued by the
23 Cybersecurity and Infrastructure Security
24 Agency of the Department of Homeland Secu-
25 rity.

1 (E) The vendor agrees to maintain its in-
2 formation technology infrastructure in a man-
3 ner that is consistent with the cybersecurity
4 best practices issued by the Cybersecurity and
5 Infrastructure Security Agency of the Depart-
6 ment of Homeland Security.

7 (F) The vendor agrees to ensure that the
8 election infrastructure will be developed and
9 maintained in a manner that is consistent with
10 the supply chain best practices issued by the
11 Cybersecurity and Infrastructure Security
12 Agency of the Department of Homeland Secu-
13 rity.

14 (G) The vendor agrees to ensure that it
15 has personnel policies and practices in place
16 that are consistent with personnel best prac-
17 tices, including cybersecurity training and back-
18 ground checks, issued by the Cybersecurity and
19 Infrastructure Security Agency of the Depart-
20 ment of Homeland Security.

21 (H) The vendor agrees to ensure that the
22 election infrastructure will be developed and
23 maintained in a manner that is consistent with
24 data integrity best practices, including require-
25 ments for encrypted transfers and validation,

1 testing and checking printed materials for accu-
 2 racy, and disclosure of quality control incidents,
 3 issued by the Cybersecurity and Infrastructure
 4 Security Agency of the Department of Home-
 5 land Security.

6 (I) The vendor agrees to meet the require-
 7 ments of paragraph (3) with respect to any
 8 known or suspected cybersecurity incidents in-
 9 volving any of the goods and services provided
 10 by the vendor pursuant to a grant under part
 11 7 of subtitle D of title II of the Help America
 12 Vote Act of 2002 (as added by this Act).

13 (J) The vendor agrees to permit inde-
 14 pendent security testing by the Election Assist-
 15 ance Commission (in accordance with section
 16 231(a) of the Help America Vote Act of 2002
 17 (52 U.S.C. 20971)) and by the Secretary of the
 18 goods and services provided by the vendor pur-
 19 suant to a grant under part 7 of subtitle D of
 20 title II of the Help America Vote Act of 2002
 21 (as added by this Act).

22 (3) CYBERSECURITY INCIDENT REPORTING RE-
 23 QUIREMENTS.—

24 (A) IN GENERAL.—A vendor meets the re-
 25 quirements of this paragraph if, upon becoming

1 aware of the possibility that an election cyberse-
2 curity incident has occurred involving any of
3 the goods and services provided by the vendor
4 pursuant to a grant under part 7 of subtitle D
5 of title II of the Help America Vote Act of
6 2002 (as added by this Act)—

7 (i) the vendor promptly assesses
8 whether or not such an incident occurred,
9 and submits a notification meeting the re-
10 quirements of subparagraph (B) to the
11 Secretary and the Chair of the assessment
12 as soon as practicable (but in no case later
13 than 3 days after the vendor first becomes
14 aware of the possibility that the incident
15 occurred);

16 (ii) if the incident involves goods or
17 services provided to an election agency, the
18 vendor submits a notification meeting the
19 requirements of subparagraph (B) to the
20 agency as soon as practicable (but in no
21 case later than 3 days after the vendor
22 first becomes aware of the possibility that
23 the incident occurred), and cooperates with
24 the agency in providing any other nec-

1 necessary notifications relating to the inci-
2 dent; and

3 (iii) the vendor provides all necessary
4 updates to any notification submitted
5 under clause (i) or clause (ii).

6 (B) CONTENTS OF NOTIFICATIONS.—Each
7 notification submitted under clause (i) or clause
8 (ii) of subparagraph (A) shall contain the fol-
9 lowing information with respect to any election
10 cybersecurity incident covered by the notifica-
11 tion:

12 (i) The date, time, and time zone
13 when the election cybersecurity incident
14 began, if known.

15 (ii) The date, time, and time zone
16 when the election cybersecurity incident
17 was detected.

18 (iii) The date, time, and duration of
19 the election cybersecurity incident.

20 (iv) The circumstances of the election
21 cybersecurity incident, including the spe-
22 cific election infrastructure systems be-
23 lieved to have been accessed and informa-
24 tion acquired, if any.

1 (v) Any planned and implemented
 2 technical measures to respond to and re-
 3 cover from the incident.

4 (vi) In the case of any notification
 5 which is an update to a prior notification,
 6 any additional material information relat-
 7 ing to the incident, including technical
 8 data, as it becomes available.

9 (C) DEVELOPMENT OF CRITERIA FOR RE-
 10 PORTING.—Not later than 1 year after the date
 11 of enactment of this Act, the Director of the
 12 Cybersecurity and Infrastructure Security
 13 Agency shall, in consultation with the Election
 14 Infrastructure Sector Coordinating Council, de-
 15 velop criteria for incidents which are required to
 16 be reported in accordance with subparagraph
 17 (A).

18 (4) DEFINITIONS.—In this subsection:

19 (A) CHAIR.—The term “Chair” means the
 20 Chair of the Election Assistance Commission.

21 (B) CHIEF STATE ELECTION OFFICIAL.—
 22 The term “chief State election official” means,
 23 with respect to a State, the individual des-
 24 ignated by the State under section 10 of the
 25 National Voter Registration Act of 1993 (52

1 U.S.C. 20509) to be responsible for coordina-
2 tion of the State’s responsibilities under such
3 Act.

4 (C) ELECTION AGENCY.—The term “elec-
5 tion agency” means any component of a State,
6 or any component of a unit of local government
7 in a State, which is responsible for the adminis-
8 tration of elections for Federal office in the
9 State.

10 (D) ELECTION INFRASTRUCTURE.—The
11 term “election infrastructure” means storage
12 facilities, polling places, and centralized vote
13 tabulation locations used to support the admin-
14 istration of elections for public office, as well as
15 related information and communications tech-
16 nology, including voter registration databases,
17 voting machines, electronic mail and other com-
18 munications systems (including electronic mail
19 and other systems of vendors who have entered
20 into contracts with election agencies to support
21 the administration of elections, manage the
22 election process, and report and display election
23 results), and other systems used to manage the
24 election process and to report and display elec-
25 tion results on behalf of an election agency.

1 (E) SECRETARY.—The term “Secretary”
 2 means the Secretary of Homeland Security.

3 (F) STATE.—The term “State” has the
 4 meaning given such term in section 901 of the
 5 Help America Vote Act of 2002 (52 U.S.C.
 6 21141).

7 **TITLE II—VOTING SYSTEM** 8 **SECURITY**

9 **SEC. 201. POST-ELECTION AUDIT REQUIREMENT.**

10 (a) IN GENERAL.—Title III of the Help America
 11 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
 12 by inserting after section 303 the following new section:

13 **“SEC. 303A. POST-ELECTION AUDITS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) POST-ELECTION AUDIT.—Except as pro-
 16 vided in subsection (c)(1)(B), the term ‘post-election
 17 audit’ means, with respect to any election contest, a
 18 post-election process that—

19 “(A) has a probability of at least 95 per-
 20 cent of correcting the reported outcome if the
 21 reported outcome is not the correct outcome;

22 “(B) will not change the outcome if the re-
 23 ported outcome is the correct outcome; and

1 “(C) involves a manual adjudication of
2 voter intent from some or all of the ballots val-
3 idly cast in the election contest.

4 “(2) REPORTED OUTCOME; CORRECT OUTCOME;
5 OUTCOME.—

6 “(A) REPORTED OUTCOME.—The term ‘re-
7 ported outcome’ means the outcome of an elec-
8 tion contest which is determined according to
9 the canvass and which will become the official,
10 certified outcome unless it is revised by an
11 audit, recount, or other legal process.

12 “(B) CORRECT OUTCOME.—The term ‘cor-
13 rect outcome’ means the outcome that would be
14 determined by a manual adjudication of voter
15 intent for all votes validly cast in the election
16 contest.

17 “(C) OUTCOME.—The term ‘outcome’
18 means the winner or set of winners of an elec-
19 tion contest.

20 “(3) MANUAL ADJUDICATION OF VOTER IN-
21 TENT.—The term ‘manual adjudication of voter in-
22 tent’ means direct inspection and determination by
23 humans, without assistance from electronic or me-
24 chanical tabulation devices, of the ballot choices

1 marked by voters on each voter-verifiable paper
2 record.

3 “(4) BALLOT MANIFEST.—The term ‘ballot
4 manifest’ means a record maintained by each juris-
5 diction that—

6 “(A) is created without reliance on any
7 part of the voting system used to tabulate
8 votes;

9 “(B) functions as a sampling frame for
10 conducting a post-election audit; and

11 “(C) accounts for all ballots validly cast re-
12 gardless of how they were tabulated and in-
13 cludes a precise description of the manner in
14 which the ballots are physically stored, includ-
15 ing the total number of physical groups of bal-
16 lots, the numbering system for each group, a
17 unique label for each group, and the number of
18 ballots in each such group.

19 “(b) REQUIREMENTS.—

20 “(1) IN GENERAL.—

21 “(A) AUDITS.—

22 “(i) IN GENERAL.—Each State and
23 jurisdiction shall administer post-election
24 audits of the results of all election contests
25 for Federal office held in the State in ac-

cordance with the requirements of paragraph (2).

“(ii) EXCEPTION.—Clause (i) shall not apply to any election contest for which the State or jurisdiction conducts a full recount through a manual adjudication of voter intent.

“(B) FULL MANUAL TABULATION.—If a post-election audit conducted under subparagraph (A) corrects the reported outcome of an election contest, the State or jurisdiction shall use the results of the manual adjudication of voter intent conducted as part of the post-election audit as the official results of the election contest.

“(2) AUDIT REQUIREMENTS.—

“(A) RULES AND PROCEDURES.—

“(i) IN GENERAL.—Not later than 6 years after the date of the enactment of this section, the chief State election official of the State shall establish rules and procedures for conducting post-election audits.

“(ii) MATTERS INCLUDED.—The rules and procedures established under clause (i) shall include the following:

1 “(I) Rules and procedures for en-
2 suring the security of ballots and doc-
3 umenting that prescribed procedures
4 were followed.

5 “(II) Rules and procedures for
6 ensuring the accuracy of ballot mani-
7 fests produced by jurisdictions.

8 “(III) Rules and procedures for
9 governing the format of ballot mani-
10 fests and other data involved in post-
11 election audits.

12 “(IV) Methods to ensure that
13 any cast vote records used in a post-
14 election audit are those used by the
15 voting system to tally the results of
16 the election contest sent to the chief
17 State election official of the State and
18 made public.

19 “(V) Rules and procedures for
20 the random selection of ballots to be
21 inspected manually during each audit.

22 “(VI) Rules and procedures for
23 the calculations and other methods to
24 be used in the audit and to determine

1 whether and when the audit of each
2 election contest is complete.

3 “(VII) Rules and procedures for
4 testing any software used to conduct
5 post-election audits.

6 “(B) PUBLIC REPORT.—

7 “(i) IN GENERAL.—After the comple-
8 tion of the post-election audit and at least
9 5 days before the election contest is cer-
10 tified by the State, the State shall make
11 public and submit to the Commission a re-
12 port on the results of the audit, together
13 with such information as necessary to con-
14 firm that the audit was conducted prop-
15 erly.

16 “(ii) FORMAT OF DATA.—All data
17 published with the report under clause (i)
18 shall be published in machine-readable,
19 open data formats.

20 “(iii) PROTECTION OF ANONYMITY OF
21 VOTES.—Information and data published
22 by the State under this subparagraph shall
23 not compromise the anonymity of votes.

24 “(iv) REPORT MADE AVAILABLE BY
25 COMMISSION.—After receiving any report

1 submitted under clause (i), the Commis-
2 sion shall make such report available on its
3 website.

4 “(3) EFFECTIVE DATE; WAIVER.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraphs (B) and (C), each State and ju-
7 risdiction shall be required to comply with the
8 requirements of this subsection for the first reg-
9 ularly scheduled election for Federal office oc-
10 ccurring in 2032 and for each subsequent elec-
11 tion for Federal office.

12 “(B) WAIVER.—Except as provided in sub-
13 paragraph (C), if a State certifies to the Elec-
14 tion Assistance Commission not later than the
15 first regularly scheduled election for Federal of-
16 fice occurring in 2032, that the State will not
17 meet the deadline described in subparagraph
18 (A) because it would be impracticable to do so
19 and includes in the certification the reasons for
20 the failure to meet such deadline, subparagraph
21 (A) of this subsection and subsection (c)(2)(A)
22 shall apply to the State as if the reference in
23 such subsections to ‘2032’ were a reference to
24 ‘2034’.

1 “(C) ADDITIONAL WAIVER PERIOD.—If a
 2 State certifies to the Election Assistance Com-
 3 mission not later than the first regularly sched-
 4 uled election for Federal office occurring in
 5 2034, that the State will not meet the deadline
 6 described in subparagraph (B) because it would
 7 be impracticable to do so and includes in the
 8 certification the reasons for the failure to meet
 9 such deadline, subparagraph (B) of this sub-
 10 section and subsection (c)(2)(A) shall apply to
 11 the State as if the reference in such subsections
 12 to ‘2034’ were a reference to ‘2036’.

13 “(c) PHASED IMPLEMENTATION.—

14 “(1) POST-ELECTION AUDITS.—

15 “(A) IN GENERAL.—For the regularly
 16 scheduled elections for Federal office occurring
 17 in 2024 and 2026, each State shall administer
 18 a post-election audit of the result of at least one
 19 statewide election contest for Federal office held
 20 in the State, or if no such statewide contest is
 21 on the ballot, one election contest for Federal
 22 office chosen at random.

23 “(B) POST-ELECTION AUDIT DEFINED.—

24 In this subsection, the term ‘post-election audit’
 25 means a post-election process that involves a

1 manual adjudication of voter intent from a
 2 sample of ballots validly cast in the election
 3 contest.

4 “(2) POST-ELECTION AUDITS FOR SELECT CON-
 5 TESTS.—Subject to subparagraphs (B) and (C) of
 6 subsection (b)(3), for the regularly scheduled elec-
 7 tions for Federal office occurring in 2028 and for
 8 each subsequent election for Federal office that oc-
 9 curs prior to the first regularly scheduled election
 10 for Federal office occurring in 2032, each State
 11 shall administer a post-election audit of the result of
 12 at least one statewide election contest for Federal of-
 13 fice held in the State, or if no such statewide contest
 14 is on the ballot, one election contest for Federal of-
 15 fice chosen at random.

16 “(3) STATES THAT ADMINISTER POST-ELEC-
 17 TION AUDITS FOR ALL CONTESTS.—A State shall be
 18 exempt from the requirements of this subsection for
 19 any regularly scheduled election for Federal office in
 20 which the State meets the requirements of sub-
 21 section (b).”.

22 (b) CLERICAL AMENDMENT.—The table of contents
 23 for such Act is amended by inserting after the item relat-
 24 ing to section 303 the following new item:

“Sec. 303A. Post-election audits.”.

1 (c) STUDY ON POST-ELECTION AUDIT BEST PRAC-
 2 TICES.—

3 (1) IN GENERAL.—The Director of the National
 4 Institute of Standards and Technology shall estab-
 5 lish an advisory committee to study post-election au-
 6 dits and establish best practices for post-election
 7 audit methodologies and procedures.

8 (2) ADVISORY COMMITTEE.—The Director of
 9 the National Institute of Standards and Technology
 10 shall appoint individuals to the advisory committee
 11 and secure the representation of—

12 (A) State and local election officials;

13 (B) individuals with experience and exper-
 14 tise in election security;

15 (C) individuals with experience and exper-
 16 tise in post-election audit procedures; and

17 (D) individuals with experience and exper-
 18 tise in statistical methods.

19 (3) AUTHORIZATION OF APPROPRIATIONS.—
 20 There are authorized to be appropriated such sums
 21 as are necessary to carry out the purposes of this
 22 subsection.

23 **SEC. 202. ELECTION INFRASTRUCTURE DESIGNATION.**

24 Subparagraph (J) of section 2001(3) of the Home-
 25 land Security Act of 2002 (6 U.S.C. 601(3)) is amended

1 by inserting “, including election infrastructure” before
 2 the period at the end.

3 **SEC. 203. GUIDELINES AND CERTIFICATION FOR ELEC-**
 4 **TRONIC POLL BOOKS AND REMOTE BALLOT**
 5 **MARKING SYSTEMS.**

6 (a) INCLUSION UNDER VOLUNTARY VOTING SYSTEM
 7 GUIDELINES.—Section 222 of the Help America Vote Act
 8 of 2002 (52 U.S.C. 20962) is amended—

9 (1) by redesignating subsections (a), (b), (c),
 10 (d), and (e) as subsections (b), (c), (d), (e), and (f),
 11 respectively;

12 (2) by inserting after the section heading the
 13 following:

14 “(a) VOLUNTARY VOTING SYSTEM GUIDELINES.—
 15 The Commission shall adopt voluntary voting system
 16 guidelines that describe functionality, accessibility, and se-
 17 curity principles for the design, development, and oper-
 18 ation of voting systems, electronic poll books, and remote
 19 ballot marking systems.”; and

20 (3) by adding at the end the following new sub-
 21 sections:

22 “(g) INITIAL GUIDELINES FOR ELECTRONIC POLL
 23 BOOKS AND REMOTE BALLOT MARKING SYSTEMS.—

24 “(1) ADOPTION DATE.—Not later than 1 year
 25 after the date of the enactment of the Election Secu-

1 rity Act of 2022, the Commission shall adopt initial
 2 voluntary voting system guidelines for electronic poll
 3 books and remote ballot marking systems.

4 “(2) SPECIAL RULE FOR INITIAL GUIDE-
 5 LINES.—The Commission may adopt initial vol-
 6 untary voting system guidelines for electronic poll
 7 books and remote ballot marking systems without
 8 modifying the most recently adopted voluntary vot-
 9 ing system guidelines for voting systems.

10 “(h) DEFINITIONS.—In this section:

11 “(1) ELECTRONIC POLL BOOK DEFINED.—The
 12 term ‘electronic poll book’ means the total combina-
 13 tion of mechanical, electromechanical, or electronic
 14 equipment (including the software, firmware, and
 15 documentation required to program, control, and
 16 support the equipment) that is used—

17 “(A) to retain the list of registered voters
 18 at a polling location, or vote center, or other lo-
 19 cation at which voters cast votes in an election
 20 for Federal office; and

21 “(B) to identify registered voters who are
 22 eligible to vote in an election.

23 “(2) REMOTE BALLOT MARKING SYSTEM DE-
 24 FINED.—The term ‘remote ballot marking system’
 25 means an election system that—

1 “(A) is used by a voter to mark their bal-
 2 lots outside of a voting center or polling place;
 3 and

4 “(B) allows a voter to receive a blank bal-
 5 lot to mark electronically, print, and then cast
 6 by returning the printed ballot to the elections
 7 office or other designated location.”.

8 (b) PROVIDING FOR CERTIFICATION OF ELECTRONIC
 9 POLL BOOKS AND REMOTE BALLOT MARKING SYSTEM.—
 10 Section 231(a) of the Help America Vote Act of 2002 (52
 11 U.S.C. 20971(a)) is amended, in each of paragraphs (1)
 12 and (2), by inserting “, electronic poll books, and remote
 13 ballot marking systems” after “software”.

14 **SEC. 204. PRE-ELECTION REPORTS ON VOTING SYSTEM**
 15 **USAGE.**

16 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title
 17 III of the Help America Vote Act of 2002 (52 U.S.C.
 18 21081 et seq.) is amended by inserting after section 301
 19 the following new section:

20 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
 21 **USAGE.**

22 “(a) REQUIRING STATES TO SUBMIT REPORTS.—
 23 Not later than 120 days before the date of each regularly
 24 scheduled general election for Federal office, the chief
 25 State election official of a State shall submit a report to

1 the Commission containing a detailed voting system usage
 2 plan for each jurisdiction in the State which will admin-
 3 ister the election, including a detailed plan for the usage
 4 of electronic poll books and other equipment and compo-
 5 nents of such system. If a jurisdiction acquires and imple-
 6 ments a new voting system within the 120 days before the
 7 date of the election, it shall notify the chief State election
 8 official of the State, who shall submit to the Commission
 9 in a timely manner an updated report under the preceding
 10 sentence.

11 “(b) EFFECTIVE DATE.—Subsection (a) shall apply
 12 with respect to the regularly scheduled general election for
 13 Federal office held in November 2024 and each succeeding
 14 regularly scheduled general election for Federal office”.

15 (b) CLERICAL AMENDMENT.—The table of contents
 16 of such Act is amended by inserting after the item relating
 17 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

18 **SEC. 205. USE OF VOTING MACHINES MANUFACTURED IN**
 19 **THE UNITED STATES.**

20 (a) REQUIREMENT.—Section 301(a) of the Help
 21 America Vote Act of 2002 (52 U.S.C. 21081(a)), as
 22 amended by section 104 and section 106, is further
 23 amended by adding at the end the following new para-
 24 graph:

25 “(10) VOTING MACHINE REQUIREMENTS.—

1 “(A) MANUFACTURING REQUIREMENTS.—

2 By not later than the date of the regularly
3 scheduled general election for Federal office oc-
4 curring in November 2024, each State shall
5 seek to ensure to the extent practicable that
6 any voting machine used in such election and in
7 any subsequent election for Federal office is
8 manufactured in the United States.

9 “(B) ASSEMBLY REQUIREMENTS.—By not

10 later than the date of the regularly scheduled
11 general election for Federal office occurring in
12 November 2024, each State shall seek to ensure
13 that any voting machine purchased or acquired
14 for such election and in any subsequent election
15 for Federal office is assembled in the United
16 States.

17 “(C) SOFTWARE AND CODE REQUIRE-

18 MENTS.—By not later than the date of the reg-
19 ularly scheduled general election for Federal of-
20 fice occurring in November 2024, each State
21 shall seek to ensure that any software or code
22 developed for any voting system purchased or
23 acquired for such election and in any subse-
24 quent election for Federal office is developed
25 and stored in the United States.”.

1 (b) CONFORMING AMENDMENT RELATING TO EF-
2 EFFECTIVE DATE.—Section 301(d)(1) of such Act (52
3 U.S.C. 21081(d)(1)), as amended by section 107, is
4 amended by striking “paragraph (2)” and inserting “sub-
5 section (a)(10) and paragraph (2)”.

○